

COMMON COUNCIL

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

TENTH REGULAR MEETING

The Council met: Monday, August 15, 2011.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Absent and Excused: Heidemann – 1.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the reading of the minutes of the Eighth Regular Meeting held August 1, 2011, were approved as entered on the record, all Alderpersons present voting "Aye".

PUBLIC FORUM

JoAnn Scribner, 3 Seneca Tr., Dimple Adams, 1424 Virginia Ave., Michael Thomas, 1105 N. 6th St. and Milt Storm, 1736 Marvin Ct. spoke. A motion by Alderpersons Rindfleisch and second by Alderperson Dekker was made to allow JoAnn and Milt an additional minute.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the following documents notated with an asterick (*) were accepted and placed on file, accepted and adopted, or passed on call of the roll:

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

REPORTS OF OFFICERS

***R. O. No. 128 - 11 - 12. By BOARD OF CONTRACTORS EXAMINERS. August 15, 2011.**

Attached hereto we are submitting applications for Building Contractor Licenses already GRANTED:

2258	Patrick Teeters N8799 Little Elkhart Lake Rd Elkhart Lake, WI 53020	Carpenter Contractor
2254	Benjamin Zastrow 1723 N 5 th Street Sheboygan, WI 53081	Carpenter Contractor
2249	Brian Koehler W3939 Linden Ct Malone, WI 53049	General Contractor
2246	Scott Maner 1548 Twin Oaks Ln Sheboygan, WI 53083	Carpenter Contractor
2243	Jesus Perez 1221 Michigan Avenue Sheboygan, WI 53081	Carpenter Contractor
2253	Robert A Aguero 5326 E Cth A Sheboygan Falls, WI 53085	Carpenter Contractor

***R. O. No. 129 - 11 - 12. By BOARD OF ELECTRICAL EXAMINERS. August 15, 2011.**

Pursuant to State of Wisconsin Comm. 5 and City of Sheboygan Municipal Code, Section 26-355, the following licenses have been issued:

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
1355	Justin Fischer W5806 Cty Rd W 5806 Cascade, WI 53011	Electrical Contractor
1426	Kirt Kettenhoven E8548 Rindt Rd Clintonville, WI 54929	Electrical Contractor
1427	Craig Olson N7369 Round Lake Rd Brillion, WI 54110	Electrical Contractor

***R. O. No. 130 - 11 - 12. By CHIEF OF POLICE. August 15, 2011.**

Pursuant to Section 54-65 of the Municipal Code, I herewith submit my quarterly report showing the activities of my department for the period commencing April 1, 2011 and ending June 30, 2011.

		2 nd Quarter 2011		2 nd Quarter 2010
Traffic Arrests		603		938
Other Arrests		1,132		1,079
TOTAL ARRESTS		1,735		2,017
Accidents Investigated		326		404
CLASS I OFFENSES	REPORTED	CLEARED	REPORTED	CLEARED
Murder & Manslaughter	0	0	0	0
Sexual Assault	16	6	19	5
Robbery	11	4	8	4
Assault	82	61	48	44
Burglary	55	4	81	10
Theft	279	94	354	124
Motor Vehicle Theft	7	4	13	7
Arson	2	0	1	1
TOTAL CLASS I OFFENSES	452	173	524	195
Percent Cleared		38%		37%
Value Property Stolen		\$128,374		\$222,697
Value Property Recovered		\$26,424		\$35,654
Percent Recovered		21%		16%

***R. O. No. 131 - 11 - 12. By CITY CLERK. August 15, 2011.**

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2595	Altrusa International-Sheboygan	837 Riverfront Dr on 09/24/11 South Pier area
1030	Bethlehem Lutheran Church	1131 Georgia Ave. on 8/21/11 at Kiwanis Park SE shelter.
2856	Glasec Sheboygan	516 Broughton Dr on 09-16-11 at Spaceport
1969	Route 43 Harley-Davidson-Hog Chapter	3736 S. Taylor Dr. on 8/27/11 at the South Pier area.
1381	St Peter Claver Ushers Club	1444 S. 11 th St on 9/9/11 thru 9/11/11.
1381	St Peter Claver Ushers Club	1444 S. 11 th St. Friday Fish Fry on 10/7/11, 11/4/11, 12/2/11, 01/06/12, 02/03/12, 03/02/12, 04/06/12, 05/04/12.
2541	Sheboygan Visual Artists Floor Gallery.	1201 Erie Ave on 08/26/11 in the Main

TEMPORARY BEVERAGE OPERATOR'S APPLICATION

<u>No.</u>	<u>Name</u>
9278	Dufour, Kathryn C.
9231	Grandlic, Jack E.
9262	Henning, Gerald N.

***R. O. No. 132 - 11 - 12. By CITY CLERK. August 15, 2011.**

Submitting an application for a private well permit from:
Memorial Medical Center, 2629 N. 7th St., Sheboygan

*The application for the private well at 2629 N. 7th St. is to be used for Emergency Backup. This well must, be State requirement, be tested annually and have flushing to eliminate an stagnate water.

R. O. No. 133 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Sheboygan Professional Firefighters Local 483 notifying the Finance Committee of their intent to pay the patient's responsibility portion of Battalion Chief Bill Wildman's ambulance bill when he was transferred by the Fire Department Ambulances from a Milwaukee hospital to a hospice care facility in Sheboygan County.

On motion by Alderperson Rindfleisch and second by Alderperson Roeseler, the Report of Officer was accepted and placed on file, all Alderpersons present voting "Aye."

R. O. No. 134 - 11 - 12. By DEVELOPMENT MANAGER. August 15, 2011.

Submitting a communication related to the Sheboygan County Chamber of Commerce's decision to decline leasing strip of land adjacent to the Chamber offices and between the right of way line of South 8th Street and the west property line of the Chamber property.

On motion by Alderperson Hammond and second by Alderperson Versey, the Report of Officer was accepted and placed on file, all Alderpersons present voting "Aye."

R. O. No. 135 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Jackie DuPont stating that as a resident of the City of Sheboygan, she is charging that Sheboygan Mayor Bob Ryan should be removed from office by the Common Council of the City of Sheboygan for cause per Wisconsin State Statutes Section 17.12 and 17.16. The causes for removal include inefficiency, neglect of duty and misconduct in office.

On motion by Alderperson Bohren and second by Alderperson Hammond, the Report of Officer was placed on file, all Alderpersons present voting "Aye."

R. O. No. 136 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Asher Heimermann asking as a citizen of the City of Sheboygan and a student of the Sheboygan Area School District, that Mayor Robert Ryan be removed from office for various reasons.

On motion by Alderperson Bohren and second by Alderperson Hammond, the Report of Officer was placed on file, all Alderpersons present voting "Aye."

R. O. No. 137 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Marlene Reindl asking as a citizen of the City of Sheboygan that Mayor Ryan be removed from office per state statute 17.16(3) for committing violations of Municipal Codes Secs. 2-267 and 70-116 and charges that he has cost the taxpayers undue burden, rendered himself incapable of fulfilling his duties and lying to the citizens of Sheboygan.

On motion by Alderperson Bohren and second by Alderperson Hammond, the Report of Officer was placed on file, all Alderpersons present voting "Aye."

R. O. No. 138 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from complaining citizen Patrick Gillette against the current Mayor of the City of Sheboygan Bob Ryan stating that if is alleged that the defendant did commit acts of disorderly and misconduct while acting both in his official capacity and in his private affairs, to which injury occurred to the reputation and integrity of the Principal Citizen, and the Corporate person of the City of Sheboygan.

On motion by Alderperson Bohren and second by Alderperson Boeldt to accept and file the Report of Officer and to initiate the removal process under Wis. Stats. 17.16 utilizing the charges filed by Patrick Gillette in Doc. #10-34 and Deborah Jelenc in Doc #10-35.

R. O. No. 139 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Deborah Jelenc stating that she has been a City of Sheboygan resident since she was a small child and have been monitoring the very public national debacle of Mayor Bob Ryan's drunken behavior over the last three years and am stating for the record that his actions, whether as an inebriated Bob Ryan or as a sober Bob Ryan, are not acceptable and he needs to be removed from the office of the Mayor of Sheboygan.

On motion by Alderperson Bohren and second by Alderperson Boeldt to accept and file the Report of Officer and to initiate the removal process under Wis. Stats. 17.16 utilizing the charges filed by Patrick Gillette in Doc. #10-34 and Deborah Jelenc in Doc #10-35.

R. O. No. 140 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Thomas A. Bowers filing charges against the Mayor of the City of Sheboygan.

On motion by Alderperson Hammond and second by Alderperson Carlson, the Report of Officer was placed on file, all Alderpersons present voting "Aye."

R. O. No. 141 - 11 - 12. By CITY PLAN COMMISSION. August 15, 2011.

Your Commission to whom was referred Gen. Ord. No. 18-11-12 relative to establishing the Use District Classification of PPUD Pre-Planned Unit Development on recently annexed property located west of Taylor Drive and north of Indiana Avenue; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, August 9, 2011, and after due consideration, recommends approval of the Ordinance.

Lies over to Sept. 6th.

R. O. No. 142 - 11 - 12. By CITY PLAN COMMISSION. August 15, 2011.

Your Commission to whom was referred Gen. Ord. No. 19-11-12 relative to establishing the Use District Classification of SR-5 Suburban Residential-5 on recently annexed property located south of Erie Avenue and west of North 28th Street; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, August 9, 2011, and after due consideration, recommends approval of the Ordinance.

Lies over to Sept. 6th.

R. O. No. 143 - 11 - 12. By CITY ATTORNEY. August 15, 2011.

Re: City of Sheboygan/Town of Wilson Dog Park

The Town of Wilson Board, through its Town Attorney, has forwarded the following proposal for consideration by the City regarding the Wilson/Sheboygan Dog Park:

The Town of Wilson is willing to annex the entire dog park parcel to the City of Sheboygan, provided Town of Wilson residents continue to have access to the dog park consistent with current practices. The

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Town would expect the City to assume 100% of the law enforcement responsibility and expense. The Town would indemnify the City against any landfill-related claims attributable to the Town's former ownership of the landfill.

I would suggest that this R.O. be referred to the Public Works Committee and/or the Board of Parks & Forestry for their consideration.

Was referred to the Board of Parks and Forestry Commission and the Committee on Public Works.

R. O. No. 144 - 11 - 12. By BOARD OF WATER COMMISSIONERS. August 15, 2011.

To the Honorable, the Mayor and Common Council:

Respectfully submitting, as a matter of record, the preliminary 2012 Water Utility budget figures are as follows: estimated water revenues \$6,971,623; estimated total investment \$7,024,034, and estimated capital expenditures \$2,100,000. The budget will be finalized and submitted when the Utility has actual 2011 third quarter results available.

Was referred to the Committee on Finance.

R. O. No. 145 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from the Office of the Sheboygan County Sheriff along with a final draft of an addendum to the Intergovernmental Cooperative Agreement (ICA) for the allocation of costs for ongoing Spillman CAD/RMS maintenance.

Was referred to the Committee on Finance and the Committee on Public Protection and Safety.

R. O. No. 146 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Was referred to the Committee on Law and Licensing.

R. O. No. 147 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from the Town of Wilson Chairperson, David Gartman, stating that the Town of Wilson encourages the City to be cautious in changing their structure for fire coverage.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 148 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication requesting a waiver to the Sex Offender Residency restrictions from Matthew Parmley to live at 1622 N. 7th St.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 149 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication requesting a waiver to the Sex Offender Residency restrictions from Phillip Lopez Sr. to live at 926 Erie Ave.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 150 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from the State of Wisconsin Department of Corrections requesting a waiver to the Sex Offender Residency restrictions for Eric Bogenstengel to be in a TLP at one of the following addresses depending on availability: 910A Michigan Ave., 1123/25 N. 14th St.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 151 - 11 - 12. By DEVELOPMENT MANAGER. August 15, 2011.

Submitting Building Inspection Housing Inspection Activity Report for year ending 2010.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 152 - 11 - 12. By DEVELOPMENT MANAGER. August 15, 2011.

Submitting Building Inspection Housing Inspection Activity Report year to date, 2011.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 153 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Jessie Duplechain Sr. requesting a waiver from the Sex Offender Residency restrictions in order to live at 2517 Camelot Blvd. Apt. A.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 154 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Rene Cordova requesting a waiver of the Sex Offender Residency restrictions in order to live at 1534 Martin Ave.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 155 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Russ Kleinert, President of the Sheboygan Great Lakes Sports Fishermen's Club stating that since the water level has dropped dramatically, the emergency ladders are no longer accessible to anyone that may accidentally fall into the harbor and need a means of getting out of the water.

Was referred to the Committee on Public Works.

R. O. No. 156 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a claim from Debbie Chapman for alleged damages to her vehicle when a City vehicle backed up and front the front of her van.

Was referred to the Special Committee on Risk Management.

R. O. No. 157 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Joe Stahl, Fire Chief of the Town of Sheboygan Fire Department, stating his concerns if the Sheboygan Fire Department gets cut too deeply.

Was referred to the Strategic Fiscal Planning Committee.

R. O. No. 158 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a communication from Milt Storm expressing his displeasure with President Rindfleisch, the Sheboygan Press articles and some alderpersons asking the mayor to resign and asking that the Common Council rethink their reasoning and compassion before they make an ultimate decision on removal.

Was referred to the Committee of the Whole.

R. O. No. 159 - 11 - 12. By CITY CLERK. August 15, 2011.

Submitting a memo from Attorney McLean regarding the Complaints for Removal filed as of Monday, August 8, 2011.

Was referred to the Committee of the Whole.

RESOLUTIONS INTRODUCED

Res. No. 53 - 11 - 12. By Alderperson Bohren. August 15, 2011.

A RESOLUTION authorizing entering into Amendment No. 1 to Agreement for Public Improvements in Stonebrook Crossing Subdivision, City of Sheboygan, Wisconsin.

RESOLVED: That the appropriate City officials are hereby authorized to enter into Amendment No. 1 to Agreement for Public Improvements in Stonebrook Crossing Subdivision, City of Sheboygan, Wisconsin, in form substantially similar to the attached.

A motion by Alderperson Bohren and second by Alderperson Kittelson to suspend the rules of the Common Council was passed by unanimous consent.

A motion by Alderperson Bohren and second by Alderperson Kittelson to open the floor to Ryan Sazama was passed, all Alderpersons present voting "Aye."

On motion by Alderperson Bohren and second by Alderperson Boeldt, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

Res. No. 54 - 11 - 12. By Alderperson VanderWeele. August 15, 2011.

A RESOLUTION authorizing the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to a quasi-judicial hearing regarding the suspension/revocation of Beverage Operator's License No. 9130 (Mike Grunow), and authorizing payment for said services.

RESOLVED: That the Common Council hereby authorizes the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to a quasi-judicial hearing

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regarding the suspension/revocation of Beverage Operator's License No. 9130 (Mike Grunow), and authorizing payment for said services.

BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is hereby authorized and directed to draw on the City Attorney's Judgments & Settlement Expense Account No. 10119100-590400 in payment for said services.

A motion by Alderperson VanderWeele and second by Alderperson Matichuk to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson VanderWeele and second by Alderperson Matichuk, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

Res. No. 55 - 11 - 12. By Alderpersons Rindfleisch and Bohren. August 15, 2011.

A RESOLUTION to authorize a transfer of appropriations in the 2011 Budget.

RESOLVED: That the Finance Director be and is hereby authorized and directed to make the following transfers of appropriations in the 2011 Budget for the purposes of:

Establishing appropriation for outside legal counsel:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund	General Fund	\$50,000
Unreserved Fund Balance	Council	
101-253000	Legal Services	
	10110100-521200	

A motion by Alderperson Rindfleisch and second by Alderperson Bohren to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Rindfleisch and second by Alderperson Bohren, the foregoing Resolution was lost on call of the roll:

Ayes: Boeldt, Bohren, Dekker, Hammond, Kath, Kittelson, Rindfleisch, Sampson, Van Akkeren, Versey - 10.

Nays: Carlson, Hammen, Matichuk, Roeseler, VanderWeele - 5.

A motion by Alderperson Carlson and second by Alderperson Versey to reconsider the vote on the above document was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Kath, Kittelson, Rindfleisch, Roeseler, Sampson, Van Akkeren, Versey - 12.

Nays: Hammen, Matichuk, VanderWeele - 3.

A motion by Alderperson Hammond and second by Alderperson Versey was made to pass the Resolution.

Before action was taken thereon, a motion by Alderperson Hammond and second by Alderperson Versey to amend the amount transferred from \$50,000 to \$10,000 was passed:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

On motion by Alderperson Hammond and second by Alderperson VanderWeele, the Resolution, as amended, was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Kath, Kittelson, Rindfleisch, Sampson, Van Akkeren, Versey - 11.

Nays: Hammen, Matichuk, Roeseler, VanderWeele - 4.

Res. No. 56 - 11 - 12. By Alderpersons Roeseler, Kittelson, Dekker and Sampson. August 15, 2011.

A RESOLUTION lifting the hiring freeze in order to hire one (1) Police Officer in the Police Department.

WHEREAS, the City of Sheboygan passed Resolution 28-10-11 that extended the hiring freeze to December 31, 2011;

WHEREAS, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council;

WHEREAS, the Mayor recently approved the Hiring Audit form to authorize hiring one (1) Police Officer.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of one (1) Police Officer in the Police Department.

A motion by Alderperson Roeseler and second by Alderperson Kittelson to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

Res. No. 57 - 11 - 12. By Alderpersons Roeseler, Kittelson, Dekker and Sampson. August 15, 2011.

A RESOLUTION waiving the residency requirement in order to hire one (1) Planning Intern (seasonal help) in the City Development Department, less than twenty (20) hours per week for approximately 6 (six) months.

WHEREAS, the position requires experience in Urban and Regional Planning and the closest college program offering this degree is UW-Milwaukee or UW-Green Bay.

RESOLVED: That the Common Council hereby waives the residency requirement to accommodate the hiring of one (1) Planning Intern (seasonal help) in the City Development Department, less than twenty (20) hours per week for approximately 6 (six) months.

A motion by Alderperson Roeseler and second by Alderperson Kittelson to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

Res. No. 58 - 11 - 12. By Alderpersons Roeseler and Versey. August 15, 2011.

A PRELIMINARY RESOLUTION declaring intent to exercise the police power to levy special assessments for water main installation in Eisner Ave. from 150' east of Hubert's Circle to Lake Shore Rd.

RESOLVED: That the installation of water mains of appropriate size, with the necessary fire hydrants in Eisner Ave. from 150' east of Hubert's Circle to Lake Shore Rd., is hereby proposed at the expense of the property to be benefited thereby, and that no part of the estimated aggregate cost shall be paid in advance under §66.54(3), Stats.

BE IT FURTHER RESOLVED: That the City of Sheboygan does herewith intend to exercise its municipal police powers under §66.60, Stats., for the aforesaid municipal purpose.

BE IT FURTHER RESOLVED: That the Water Utility is hereby authorized and directed to prepare a report in accordance with §66.60(2) and §66.60(3), Stats., and that such report shall contain the following information:

- a. Preliminary or final plans and specifications
- b. An estimate of the entire cost of the proposed work or improvement
- c. A schedule of the proposed assessments
- d. A statement that the work or improvement constitutes an exercise of the municipality's police power
- e. A statement that the property against which the assessments are proposed is benefited

BE IT FURTHER RESOLVED: That the expenses so incurred in excess of \$100.00 may be paid in five (5) annual installments, ten (10) annual installments if the expense exceeds \$5,000.00 for a single parcel of property, under §66.54(7), Stats., with interest thereon at seven percent (7%) commencing the first of the month following the completion of thirty (30) days after publication of the installment assessment notice.

BE IT FURTHER RESOLVED: That the Water Utility prepare the schedule of the proposed assessments governing such intended project under the provisions of Section 40-50 of the Municipal Code; and, after completion of the schedule, submit copies to the City Clerk for the purpose of public hearing and public notice.

On motion by Alderperson Roeseler and second by Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

Res. No. 59 - 11 - 12. By Alderpersons Roeseler, Kittelson, Dekker and Sampson. August 15, 2011.

A RESOLUTION lifting the hiring freeze in order to hire a Manager of Human Resources in the Human Resources Department.

WHEREAS, the City of Sheboygan passed Resolution 28-10-11 that extended the hiring freeze to December 31, 2011;

WHEREAS, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council;

WHEREAS, the Mayor recently approved the Hiring Audit form to authorize hiring a Manager of Human Resources.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of a Manager of Human Resources in the Human Resources Department.

Lies over under the rules.

Res. No. 60 - 11 - 12. By Alderperson Hammond. August 15, 2011.

A RESOLUTION authorizing entering into an Intergovernmental Cooperation Agreement with the Village of Kohler for IT services.

Was referred to the Committee on Finance.

Res. No. 61 - 11 - 12. By Alderperson Sampson. August 15, 2011.

A RESOLUTION designating proposed amended boundaries and approving a project plan amendment for Tax Incremental District No. 14, City of Sheboygan, Wisconsin.

Was referred to Committee on Finance.

Res. No. 62 - 11 - 12. By Alderperson Kittelson. August 15, 2011.

A RESOLUTION accepting a donation for, and naming the Fire Department's Survive Alive House.

Was referred to the Committee on Public Protection and Safety.

Res. No. 63 - 11 - 12. By Alderperson Heidemann. August 15, 2011.

A RESOLUTION establishing a policy prohibiting use of personal cell phones by City employees while operating City vehicles.

Was referred to the Committee on Salaries and Grievances.

REPORTS OF COMMITTEES

***R. C. No. 123 - 11 - 12. By FINANCE. August 15, 2011.**

Your Committee to whom was referred R. C. No. 399-10-11 by Finance to whom was referred Com. No. 48-10-11 submitting an email from the Deputy Finance Director/Treasurer entitled, "WI Retirement Rates"; recommends that the documents be placed on file.

***R. C. No. 124 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 15, 2011.**

Your Committee to whom was referred R. O. No. 26-10-11 by the City Clerk submitting a claim from Lawrence Frazier for alleged injuries when he fell down on uncleared snow in front of a house at 1416 Indiana Ave.; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 125 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 15, 2011.**

Your Committee to whom was referred R. O. No. 113-10-11 by the City Clerk submitting a Notice of Violation/Notice of Claim from the Department of Natural Resources stating they have reason to believe that the City's Wastewater Treatment Plant is in violation of regulations related to the land spreading of wastewater treatment sludge; recommends that the documents be placed on file.

***R. C. No. 126 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 15, 2011.**

Your Committee to whom was referred R. O. No. 72-11-12 by the City Clerk submitting a claim from Afni Insurance Services on behalf of their insured Mark E. Landgraf for alleged damages to his vehicle when he was parked in the lot at Fire Station #3 and a fire truck backed into the front bumper; recommends that the document be accepted and placed on file and to pay the claim in the amount of \$1,393.16.

***R. C. No. 127 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 15, 2011.**

Your Committee to whom was referred R. O. No. 73-11-12 by the City Clerk submitting a claim from AT&T for alleged damages to their buried telephone cable while the City was excavating for a water service; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 128 - 11 - 12. By MARINA AND HARBOR. August 15, 2011.**

Your Committee to whom was referred R. C. No. 77-11-12 by Public Works and R. O. No. 91-11-12 by the City Clerk submitting a communication from the Tourism Director of the Sheboygan County Chamber of Commerce, requesting that the Common council consider installation of a Surfing Sculpture at Deland Park; recommends approval of the installation at Deland Park conditioned upon the location and design be approved by the City staff.

***R. C. No. 129 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 15, 2011.**

August 15, 2011

Your Committee to whom was referred R. O. No. 92-11-12 by the City Clerk submitting a claim from Lori A. Bubb for alleged injuries when she slipped and fell on ice on the southwest corner of S. 8th St. and Pennsylvania Ave., recommends that the claim be denied and to direct the City Attorney send a Notice of Disallowance.

***R. C. No. 130 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 15, 2011.**

Your Committee to whom was referred R. O. No. 93-11-12 by the City Clerk submitting a claim from Lester Pierce for a bathroom light that isn't working due to road work in the area; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 131 - 11 - 12. By LAW AND LICENSING. August 15, 2011.**

Your Committee to whom was referred R. O. No. 98-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE-RENEWAL (June 30, 2013)

<u>No.</u>	<u>Name</u>
3743	Corson, Toby D.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 132 - 11 - 12. By MARINA AND HARBOR. August 15, 2011**

Your Committee to whom was referred R. O. No. 99-11-12 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from Operations dated May 31, 2011, as submitted by Skipper Marine; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 133 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 15, 2011.**

Your Committee to whom was referred R. O. No. 103-11-12 by the City Clerk submitting a claim from Heather Bohman for alleged damages to her vehicle when she drove over a raised manhole and it hit her transmission pan; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 134 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. August 15, 2011.**

Your Committee to whom was referred R. O. No. 119-11-12 by the City Clerk submitting a communication from Menhard Sonnemann questioning whether City representatives are going to nursing homes and asking that they use the Fire Department for non-emergency transports; recommends that the document be placed on file.

***R. C. No. 135 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. August 15, 2011.**

Your Committee to whom was referred R. O. No. 123-11-12 by the City Clerk submitting a communication from Donald Gore, M.D. requesting that the City paint white crosswalk lines at the north side of the junction of Clement and 3rd St. due to safety issues for people living in the area; recommends that the document be accepted and placed on file and that the Department of Public Works will paint the crosswalk.

***R. C. No. 136 - 11 - 12. By LAW AND LICENSING. August 15, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 108-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

<u>No.</u>	<u>Name</u>
9216	Balzer, Tami S.
5338	Kirsch, Valerie A.

TAXICAB BUSINESS LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
2846	Alpine Taxi II (Abby Taxi)

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 137 - 11 - 12. By FINANCE. August 15, 2011.**

Your Committee to whom was referred Res. No. 50-11-12 by Alderperson Versey that the City of Sheboygan will NOT bill the former Fire Battalion Chief William Wildman or his family for a transfer from Froedtert Hospital to Sharon S. Richardson Hospice; recommends that the Resolution be placed on file.

***R. C. No. 138 - 11 - 12. By FINANCE. August 15, 2011.**

Your Committee to whom was referred R. C. No. 100-11-12 by the Marina and Harbor Committee filing document submitting information on the bidding process to accomplish the necessary repairs to the marina building and what funds would be available to accomplish the repairs; recommends that the document be placed on file.

R. C. No. 139 - 11 - 12. By LAW AND LICENSING. August 15, 2011.

Your Committee to whom was referred, pursuant to R. O. No. 118-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

CHANGE OF AGENT

Robert Scheibl is taking the place of Toby Watson as agent for Shevegas effective immediately.

CHANGE OF PREMISE(PERMANENT)

<u>No.</u>	<u>Name</u>
2720	Rehab Bar & Grill LLC

CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>
2716	Happy Valley
2805	Blue Harbor Resort I
2805	Blue Harbor Resort I

"CLASS B" LIQUOR LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
2850	N Z's Bar & Grill

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9241	Bilski, John L.
9251	Brom, Amanda N.
8433	Chronis, Steve H.
7249	Deavers, Jeannie M.
9253	Gilman, Arthur J.
4644	Hammen, Joel S.
9242	Kutz, Debra A.
9234	Lawrence, Mark C.
9257	Long, Terry G.
9250	Lutze, Julie A.
9236	Marco, Cody J.
9248	Mehlberg, Vicki L.
5369	Meyer, Sharon A.
9252	Nottling, Abigail A.
9235	Olig, Peggy M.
9246	Payne, Tammi S.
9233	Rosenstein, Eric A.
9244	Wohler, Brandon C.

TAXICAB DRIVER LICENSE APPLICATION (June 30, 2012)

<u>No.</u>	<u>Name</u>
9238	Ringel, Robert S.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 14.

Nays: None.

Abstain: Hammen – 1.

R. C. No. 140 - 11 - 12. By SALARIES AND GRIEVANCES. August 15, 2011.

Your Committee met and discussed the Grievances and Appeals Procedure and recommends adopting the City of Sheboygan Grievances and Appeals Procedure.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the Report of Committee was accepted and adopted on call of the roll:

August 15, 2011

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

R. C. No. 141 - 11 - 12. By FINANCE. August 15, 2011.

Your Committee to whom was referred R. C. No. 86-11-12 by Salaries and Grievances submitting the draft Compensation Program for Non-Represented Employees; recommends that the Report of Committee be accepted and adopted.

A motion by Alderperson Hammond and second by Alderperson Bohren was made to accept and adopt the Report of Committee.

Tom Rice spoke.

On motion by Alderperson Hammond and second by Alderperson Bohren, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Bohren, Carlson, Dekker, Hammen, Hammond, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 13.

Nays: Boeldt, Kath-2.

R. C. No. 142 - 11 - 12. By LAW AND LICENSING. August 15, 2011.

Your Committee to whom was referred, pursuant to R. O. No. 98-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License application #9177 be denied based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity, and his failure to cooperate with the committee.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

R. C. No. 143 - 11 - 12. By LAW AND LICENSING. August 15, 2011.

Your Committee to whom was referred, pursuant to R. O. No. 98-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Taxicab Driver's License application #8544 be denied based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity, and his failure to cooperate with the committee.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

R. C. No. 144 - 11 - 12. By LAW AND LICENSING. August 15, 2011.

Your Committee to whom was referred, pursuant to R. O. No. 98-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License application #9181 be denied based upon her criminal record which makes her ineligible to hold the license, as well as her failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

R. C. No. 145 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. August 15, 2011.

Your Committee to whom was referred Gen. Ord. No. 21-11-12 by Alderpersons Van Akkeren, Heidemann and Dekker repealing and recreating Section 70-265 of the Municipal Code so as to require the full common council to approve an appeal to the 2,000' requirements of the sex offender residency restrictions if such appeal has been recommended for approval by the Public Protection and Safety Committee; recommends that the Ordinance be placed on file.

On motion by Alderperson Kittelson and second by Alderperson Sampson, the Report of Committee was accepted and adopted and the Ordinance was placed on file on call of the roll:

Ayes: Carlson, Hammen, Kath, Kittelson, Matichuk, Roeseler, Sampson, VanderWeele, Versey - 9.

Nays: Boeldt, Bohren, Dekker, Hammond, Rindfleisch, Van Akkeren – 6.

R. C. No. 146 - 11 - 12. By WHOLE. August 15, 2011.

Your Committee met and discussed preliminary consideration of complaints for removal of the Mayor filed to date with the City Clerk, procedure in the event of formal removal process and funding and hiring of special counsel and recommends to the Common Council to proceed with the formal removal process; to have the appropriate leadership interview and hire up to two (2) attorneys and to draft a resolution for a transfer from the unreserved fund balance to Council/Legal Services with no cap on the amount with the caveat that outside counsel notifies the Common Council when legal fees are at \$40,000.

A motion by Alderperson Bohren and second by Alderperson Rindfleisch was made to accept and adopt the Report of Committee.

A motion by Alderperson Hammond and second by Alderperson Rindfleisch was made to call the question.

On motion by Alderperson Bohren and second by Alderperson Rindfleisch, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Dekker, Kath, Kittelson, Rindfleisch, Sampson, Van Akkeren, Versey - 9.

Nays: Carlson, Hammen, Hammond, Matichuk, Roeseler, VanderWeele-6.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker to reconsider the previous vote was lost on call of the roll:

Ayes: Hammen, Hammond, Matichuk, Rindfleisch, VanderWeele-5.

Nays: Boeldt, Bohren, Carlson, Dekker, Kath, Kittelson, Roeseler, Sampson, Van Akkeren, Versey-10.

R. C. 146-11-12 stands as the original vote.

R. C. No. 147 - 11 - 12. By WHOLE. August 15, 2011.

Your Committee to whom was referred Res. No. 42-11-12 by Alderpersons Bohren, Carlson, Sampson and Versey requesting that the Fire Chief draft a long range plan for the City of Sheboygan Fire Department by the second Common Council meeting of August 2011; recommends that the document and plan be referred to the Strategic Fiscal Planning Committee.

Was referred to the Strategic Fiscal Planning Committee.

ORDINANCE INTRODUCED

Gen. Ord. No. 22 – 11 – 12. By Alderpersons Roeseler, Kittelson, Dekker and Sampson. August 15, 2011.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current Director of Human Resources & Labor Relations and create the job description of Manager Human Resources in the Human Resources Department for the City of Sheboygan.

Lies over under the rules.

MATTERS LAID OVER

Res. No. 49-11-12. By Alderperson Kittelson. August 1, 2011.

A RESOLUTION authorizing the approval of a Memorandum of Understanding between the City of Sheboygan and the U.S. Dept. of Interior-Bureau of Land Management related to access to "Wildwood Islands" upstream of Kiwanis Park.

RESOLVED: That the Common Council authorizes the Mayor and City Clerk to act on behalf of the City and sign all appropriate documents related to the execution of the Memorandum of Understanding.

A motion by Alderperson Kittelson and second by Alderperson Hammond was made to pass the Resolution.

Chad Pelishek spoke and on motion, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey - 15.

Nays: None.

There being no further business, on motion by Alderperson Rindfleisch and second by Alderperson Dekker, the meeting was then adjourned, all Alderpersons present voting "Aye".

Mayor

City Clerk